

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF OKLAHOMA**

[1] MISTY WHITE,  
[2] JERMAINE BRADFORD,  
[3] JANARA MUSGRAVE,  
[4] LANDON PROUDFIT,  
[5] BRADLEY BARBER, JR., and  
[6] DAKOTA KAPPUS,

On behalf of themselves and all others  
similarly situated,

Plaintiffs,

v.

[1] HON. PAUL HESSE, in his official  
capacity as Chief Judge of the 26th Judicial  
District, and  
[2] HON. KHRISTIAN STRUBHAR, in her  
official capacity as Special Judge in the  
Canadian County District Court,

Case No. 5:19-cv-1145-JD

Defendants.

**JOINT STATUS REPORT**

The parties submit this joint status report in accordance with the Court's September 24, 2021 Order (ECF No. 60).

**I. Conference Logistics**

On October 8, 2021, the parties conferred by phone for approximately one hour. At the end of the conference, the parties agreed to exchange legal citations, and Defendants agreed to provide Plaintiffs with more information about Canadian County proceedings where bail is set, including proper nomenclature for certain proceedings. Plaintiffs sent

Defendants information about possibilities for partial settlement, and the parties exchanged legal citations.

On October 24, 2021, Plaintiffs sent Defendants the working draft of the amended complaint, and reiterated their proposed possibilities for partial settlement. Plaintiffs expressed openness to resolving the First Amendment claim if Defendants provided public access to arraignments. Plaintiffs expressed openness to resolving the disability claims if Defendants would conduct arraignments in a quiet setting that would allow arrestees a meaningful opportunity to ask for accommodations.

On November 5, 2021, the parties conferred for approximately 90 minutes about the working draft of the amended complaint and Plaintiffs' proposals for partial settlement. The parties discussed narrowing the defendants against whom declaratory relief was sought, and Defendants represented that Judge Strubhar is the special judge assigned to handle initial appearances in Canadian County. Plaintiffs limit the number of defendants to only Judges Hesse and Strubhar because Defendants represented that they would not advise reassigning the special judge who conducts the proceedings at issue for the purpose of circumventing declaratory relief. The parties also exchanged email correspondence after the conference to clarify issues that remain outstanding.

Zoe Brennan-Krohn, Marta Cook, Aaron Lewis, and Trisha Trigilio participated for Plaintiffs in both conferences. In addition, Megan Lambert attended the first conference, and Brandon Buskey, Laura Beth Cohen, and Kadeisha Weise attended the second conference on behalf of Plaintiffs. Stefanie Lawson, Erin Moore, and Devan Pederson participated for Defendants in both conferences.

## II. Outcome

Plaintiffs have removed claims for violation of the Americans with Disabilities Act, Rehabilitation Act, and First Amendment. Plaintiffs have also removed claims against all defendants except (1) claims for injunctive and declaratory relief against Chief Judge Hesse; and (2) claims for declaratory relief against Special Judge Strubhar.

Issues that remain are the following:

1. Defendants object to the use of “arraignment” to describe the proceedings at issue. Plaintiffs have asked Defendants to share any nomenclature they are able to identify for the proceedings discussed in the complaint that Defendants would prefer Plaintiffs use in lieu of “arraignment.” Rather than using an alternate term, Defendants suggested Plaintiffs specify the appearance date or plead facts showing the stage of the criminal process during which the appearances are occurring and/or what other matters are being addressed in the appearances. The amended complaint uses the term “first court appearance,” because that is the term Chief Judge Hesse used in the administrative order governing these proceedings.

2. Defendants have previewed their legal arguments regarding standing and the merits of the remaining constitutional claims. Plaintiffs disagree with those arguments based on applicable case law.

3. Defendants have previewed their arguments that some of the allegations in the amended complaint fail to satisfy Rule 8 of the Federal Rules of Civil Procedure. Plaintiffs disagree with those arguments.

Respectfully Submitted,

/s/ Trisha Trigilio

Trisha Trigilio\*  
Texas State Bar Number: 24075179  
Brandon J. Buskey\*  
Alabama Bar Number: ASB2753-A50B  
American Civil Liberties Union  
Foundation, Criminal Law Reform  
Project  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2500  
trishat@aclu.org  
bbuskey@aclu.org

/s/ Megan Lambert

Megan Lambert  
Oklahoma Bar Number: 33216  
Ryan Kiesel  
Oklahoma Bar Number: 21254  
Michael Redman  
Oklahoma Bar Number: 13340  
American Civil Liberties Union of  
Oklahoma Foundation  
P.O. Box 13327  
Oklahoma City, OK 73113  
(405) 525-3831  
mlambert@acluok.org  
rkiesel@acluok.org  
mredman@acluok.org

/s/ Blake Johnson

Blake Johnson  
Oklahoma Bar Number: 32433  
Tyler Box  
Oklahoma Bar Number: 31817  
Weston Watts  
Oklahoma Bar Number: 33299  
Justin Williams  
Oklahoma Bar Number: 32539  
Clayburn Curtis  
Oklahoma Bar Number: 30538

/s/ Aaron Lewis

Aaron Lewis\*  
California Bar Number: 284244  
Covington & Burling LLP  
1999 Avenue of the Stars  
Los Angeles, CA 90067-4643  
(424) 332-4800  
alewis@cov.com

Marta Cook\*

District of Columbia Bar Number:  
1045613  
Laura Beth Cohen\*  
Michigan Bar Number: P83111  
Covington & Burling LLP  
One CityCenter  
850 Tenth Street NW  
Washington, DC 20001-4656  
(202) 662-6000  
mcook@cov.com  
lcohen@cov.com

/s/ Zoe Brennan-Krohn\*

Zoe Brennan-Krohn\*  
California Bar Number: 324912  
American Civil Liberties Union  
Foundation, Disability Rights Program  
39 Drumm Street  
San Francisco, CA 94111  
(415) 343-0762  
zbrennan-krohn@aclu.org

Overman Legal Group, PLLC  
809 NW 36th St.  
Oklahoma City, OK 73118  
(405) 605-6718  
[blakejohnson@overmanlegal.com](mailto:blakejohnson@overmanlegal.com)  
[tylerbox@overmanlegal.com](mailto:tylerbox@overmanlegal.com)  
[westonwatts@overmanlegal.com](mailto:westonwatts@overmanlegal.com)  
[justinwilliams@overmanlegal.com](mailto:justinwilliams@overmanlegal.com)  
[claycurtis@overmanlegal.com](mailto:claycurtis@overmanlegal.com)

*Attorneys for Plaintiffs*

\*Admitted Pro Hac Vice

/s/ Devan A. Pederson

---

**STEFANIE E. LAWSON, OBA #22422**

**ERIN M. MOORE, OBA #20787**

**DEVAN A. PEDERSON, OBA # 16576**

Assistant Attorneys General

Oklahoma Attorney General's Office

Litigation Division

313 NE 21<sup>st</sup> Street

Oklahoma City, OK 73105

Telephone: (405) 521-3921

Facsimile: (405) 521-4518

Email: [stefanie.lawson@oag.ok.gov](mailto:stefanie.lawson@oag.ok.gov)

[erin.moore@oag.ok.gov](mailto:erin.moore@oag.ok.gov)

[devan.pederson@oag.ok.gov](mailto:devan.pederson@oag.ok.gov)

*Attorneys for Defendants*